

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

# TYRONE NOEL NUNN,

Case No.: 3:23-cv-00582-RCJ-CSD

**Plaintiff,**

v.

## ELY STATE PRISON, et al.,

## Defendants.

## ORDER

(ECF No. 4)

9 On November 17, 2023, pro se plaintiff Tyrone Noel Nunn, an inmate in the custody  
10 of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983.  
11 (ECF No. 1-1). Plaintiff subsequently filed an application to proceed *in forma pauperis*.  
12 (ECF No. 4). Plaintiff's application to proceed *in forma pauperis* is incomplete because  
13 **Plaintiff used a state court financial certificate, rather than this Court's approved**  
14 **form.** The Court will deny Plaintiff's application without prejudice and give Plaintiff the  
15 opportunity to correct this deficiency **by February 9, 2024.**

## I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.

1 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
2 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
3 See 28 U.S.C. § 1915(b).

4 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
5 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
6 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
7 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
8 required documents.

9 **II. CONCLUSION**

10 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 4)  
11 is denied without prejudice.

12 It is further ordered that Plaintiff has **until February 9, 2024**, to either pay the full  
13 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
14 all three required documents: (1) a completed application with the inmate's two signatures  
15 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
16 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
17 previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
20 to refile the case with the Court, under a new case number, when Plaintiff can file a  
21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff Tyrone Noel Nunn the approved  
23 form application to proceed *in forma pauperis* for an inmate and instructions for the same  
24 and retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED THIS 7th day of December 2023.  
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UNITED STATES MAGISTRATE JUDGE